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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,433	12/31/2001	Takeo Kuroda	M&M-048-USA-PCT	4222
27955	7590	10/13/2005	EXAMINER	
TOWNSEND & BANTA c/o PORTFOLIO IP PO BOX 52050 MINNEAPOLIS, MN 55402			BERMAN, SUSAN W	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/019,433	KURODA ET AL.	
	Examiner	Art Unit	
	Susan W. Berman	1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): rejection(s) of claim 11.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,3,5-8 and 10-21.

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached pages.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____

Susan W Berman
Primary Examiner
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It is not clear what total weight the parts by weight of components A and C are based upon.

Applicant argues that the prior art does not teach compositions containing a thixotropic agent or the slow curing achieved by using the claimed composition, as set forth in claim 1 by reciting viscosity, conversion ratio, dynamic shear modulus and dynamic tensile modulus. The “slow-curing” properties of the compositions set forth in the instant claims are considered to be an inherent property of prior art compositions comprising the same components as are set forth in the instant claims. Applicant’s claims are drawn to the composition and not to a method for curing the composition, therefore, prior art disclosures of composition comprising the same components in the parts by weight and volume % with respect to the thixotropic agent are considered to anticipate the instantly claimed compositions.

J ‘825: Applicant argues that the disclosed compositions do not contain a thixotropic agent. This argument is not persuasive because J ‘825 teaches adding fumed silica and other organic fillers to improve physical properties and chemical resistance [0019]. Applicant argues that the disclosed composition cures rapidly and has different hardness and strength properties from the instantly claimed composition. However, none of the example in J ‘825 contains the fumed silica, so the examples do not represent the closest teaching of J ‘825 with respect to the instant claims.

J ‘248: Applicant argues that the disclosed compositions do not contain a thixotropic agent. This argument is not persuasive because J ‘248 teaches adding silica, talc, calcium carbonate, glass fibers and other organic fillers to adjust viscosity (page 7-8).

J ‘466: Applicant argues that Example 1 contains 100 pbw calcium carbonate and 25 pbw titanium oxide based on 100 pbw oxypropylene polymer and thus would radiation cure only at the surface. This argument is not persuasive because applicant relies upon a single example while the relevant teaching of J ‘466 is to use from 1-100 pbw, especially 50-250 pbw based on 100 pbw organic polymer. J ‘466 appears to teach amounts that include the instantly claimed 20-65% by volume based on 100 % by volume of compounds A-E set forth in the instant claims. Applicant argues that 5 (3-8) pbw of

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compounds A1 to A5 are used in the Examples. J '466 teaches using 0.5 to 20 pbw component B based on 100 pbw component A which appears to include the parts by weight set forth in the instant claims. It is noted that the total weight upon which the 15-100 pbw component C set forth in the instant claims is based is not defined in the instant claims. J '466 clearly teaches that a photoinitiator can be included in the disclosed compositions.

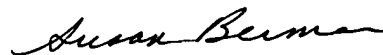
EP 0035049 and J '241: Applicant argues that there is no motivation to combine the teachings of the references. This argument is unpersuasive. Each reference teaches compositions comprising analogous components. J '241 teaches, as is well known in the art, that a photoinitiator can be added to compositions comprising photocurable substances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W. Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB
10/6/05



Susan W Berman
Primary Examiner
Art Unit 1711